

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT HOWELL,

Defendant.

CASE NO. CR21-0190-JCC

ORDER

This matter comes before the Court on Defendant's unopposed motion to continue trial (Dkt. No. 99) and the parties' stipulated case schedule (Dkt. No. 101). Defendant is charged with receipt and possession of child pornography. (Dkt. No. 94.) He appeared for arraignment on October 3, 2024, where he pleaded not guilty to the charges. (*See* Dkt. No. 98.) Trial was set for November 4, 2024. (*Id.*)

Defendant now seeks a continuance. (Dkt. No. 99). It was decided on October 3, 2024, that Defendant would proceed with his recently appointed counsel. (*See* Dkt. No. 98.) Counsel asserts that additional time is needed to review the complex evidence in this case and prepare for trial. (Dkt. No. 99 at 2.) Defendant has executed a speedy trial waiver. (Dkt. No. 99-2.) The Government does not oppose the motion to continue. (Dkt. No. 100).

Having thoroughly considered the motion and the relevant record, the Court FINDS as follows:

- 1 1. The failure to grant a continuance would deny defense counsel the reasonable time
2 necessary for effective preparation, taking into account the exercise of due diligence,
3 within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv), and would result in a miscarriage of
4 justice within the meaning of 18 U.S.C. § 3161(h)(7)(B)(i).
- 5 2. The ends of justice will be served by granting a continuance, as it is necessary to ensure
6 adequate time for case preparation, and the ends of justice served outweigh the best
7 interests of the public and the defendant in a speedy trial. *See id.* § 3161(h)(7)(A).

8 For the foregoing reasons, the Court GRANTS Defendant's motion to continue trial (Dkt.
9 No. 99). Trial is hereby CONTINUED to March 17, 2025, in Courtroom 16206. The Court
10 further ORDERS that the time between the date of this order and March 17, 2025, is excludable
11 time under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(i), and (B)(iv). The
12 Court also ENTERS a pretrial case scheduling order setting the following deadlines:

- 13 1. The deadline for Defendant to file pretrial motions and Defendant's reply in support
14 of Defendant's combined motions filed August 16, 2024, (Dkt. No. 74), is November
15 22, 2024.
- 16 2. The deadline for Government to file response to Defendant's pretrial motions is
17 December 6, 2024.
- 18 3. The deadline for Defendant to file reply in support of pretrial motions is December
19 16, 2024.
- 20 4. The deadline for Expert Disclosures under Federal Rule of Criminal Procedure
21 16(a)(1)(G) and (b)(1)(C) is January 17, 2025.
- 22 5. The deadline for Rebuttal Expert Disclosures under Federal Rule of Criminal
23 Procedure 16(a)(1)(G) and (b)(1)(C) is January 31, 2025.

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1 DATED this 10th day of October 2024.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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